UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

In re:		Case No. 18-11167				
Steven Jay Cunningham		Case No. 16-11107				
		CHAPTER 13 PLAN				
		Original	X AMENDED			
	Debtor(s).	Date: August 1, 2018				
I.	Disclosure of Nonstandard Provisions and Plan's Mod	lification of Secured Debt:				
	A. Does this plan contain any nonstandard provisions (ch_X_Yes	neck one)?				
	B. Does this plan limit the amount of a secured claim bas	ed on a valuation of the collateral	for the claim			
	(check one)? Yes					
	X No					
	C. Does this plan avoid a security interest or lien (check of Yes	one)?				
	X No					
If the Debtor has either not indicated "yes" in the applicable section above or made no selection, any nonstandard provision or language in this plan purporting to limit the amount of a secured claim based on a valuation of the collateral or to avoid a security interest or lien is void. Even if the Debtor indicated "no" in Section 1.B or Section 1.C, the Debtor may seek to limit the amount of a secured claim based on a valuation of the collateral for the claim or avoid a security interest or lien through a motion or an adversary						
proceed	ing.		and a second of an actionary			
п.	Means Test Result and Plan Duration: Debtor is (check one): X a below median income debtor with a 36 month an above median income debtor with a 60 month					
-		5.5				
of allow	n's length shall not be less than the Debtor's applicable control unsecured claims over a shorter period or is modified pength shall automatically be extended up to 60 months after	ost-confirmation. If the Debtor is	below median income, then the			
1II.	Plan Payments to the Trustee:					
No later than 30 days after the order for relief, the Debtor shall commence making payments to the Trustee as follows:						
	A. AMOUNT: \$2,223.00 (See section X for plan pa	nyment increases)				
	B. FREQUENCY (check one):X Monthly					
	Twice per month					
	Every two weeks Weekly					
	C. TAX REFUNDS: The Debtor (check one): X commits all tax refunds to funding the plan. amount stated above.	Committed refunds shall be paid	in addition to the plan payment			
	does not commit; all tax refunds to funding the D. PAYMENTS: Plan payments shall be deducted for ordered by the Court.	ne plan. If no selection is made, ta from the Debtor's wages unless of	x refunds are committed. herwise agreed to by the Trustee			
	E. OTHER: Cimmits refunds in excess of \$1,500					
IV. Dis	tribution of Plan Payments by the Trustee:					

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Upon confirmation of the plan, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

- ADMINISTRATIVE EXPENSES: A.
 - 1. Trustee. The percentage set pursuant to 28 USC §586(e).
 - 2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
 - 3. The Debtor's Attorney's Fees: Pre-confirmation attorney's fees and/or costs and expenses are estimated to be \$ 3,500.00 . \$ 1,000.00 was paid prior to filing.

Approved attorney compensation shall be paid as follows (check one):

- a. X Prior to all creditors
- b. __ Monthly payments of \$
- c. All remaining funds available after designated monthly payments to the following creditors: .

If no selection is made, approved compensation will be paid after the monthly payments specified in Sections IV.B and IV.C.

B. CURRENT DOMESTIC SUPPORT OBLIGATIONS:

Creditor	Monthly amount		
-NONE-	\$		

C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 U.S.C. § 1328. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed.

The interest rates in the plan control except that (a) a lower interest rate included in a creditor's proof of claim shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by a mortgage or deed of trust on real property shall control, unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%.

For claims secured by personal property, the monthly payment amounts in the plan control.

For claims secured by real property, the monthly payment amounts in the creditor's proof of claim and notice of payment change control unless otherwise provided in Section X.

If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured Only by Security Interest in the Debtor's Principal Residence (Interest included in payments at contract rate, if applicable):

Ongoing Payments:

Rank	Mo	nthly Paymer	<u>1t</u>	Creditor		Collateral				
1	\$		1,938.11	BSI Financial S	ervices	9369 31st Place SW Seattle, WA 98126 King County				
Cure Pay	yments:									
		Monthly					1	Arrears to be	Interest	
Rank		Payment	Creditor		Collateral			Cured	Rate	
1	S	100.00	BSI Financia	I Sarvicas		lace SW Seattle, King County	c	210,012.69	0.0	0 %

Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured by Real Property Other than the Debtor's Principal Residence:

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<u>Rank</u> \$	Monthly Payme	nt <u>Creditor</u>	Collateral	-	Interest Rate
Cure Paym	nents: Monthly			A 4 . 1 .	Tarana
Rank	Payment \$	Creditor -NONE-	Collateral	Arrears to be Cured \$	Interest <u>Rate</u>
	3.		s Secured by Personal Property	:	
interest in a other perso pre-confirm	ee shall pay the con any motor vehicle onal property acqui nation adequate pr Monthly Payment	a. 910 Collateral. tract balance stated in the a acquired for the personal u red within one year preced otection payments shall be	allowed proof of claim for a pu se of the Debtor within 910 da ing the filing date of the petition paid by the Trustee in the amo		tor stipulates the

Debtor's **Pre-Confirmation** Monthly Value of Interest Adequate Protection Rank Payment Creditor Collateral Collateral Rate **Monthly Payment** -NONE-\$ %

a timely objection to a proof of claim or in an adversary proceeding, for a security interest in personal property which is non-910 collateral. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as

- D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 U.S.C. § 507(a).
- E. NONPRIORITY UNSECURED CLAIMS: No funds shall be paid to nonpriority unsecured creditors until all secured, administrative and priority unsecured creditors are paid in full, provided that no claim shall be paid before it is due. The Trustee shall pay filed and allowed nonpriority unsecured claims as follows (check one):

____ 100% __X _ At least \$___0.00.

specified below after the creditor files a proof of claim.

The Trustee shall pay the following specially classified nonpriority unsecured claims prior to other nonpriority unsecured claims:

Rank Creditor -NONE- Amount of Claim Percentage to be Paid Reason for Special Classification Reason for Special Classification

V. <u>Direct Payments to be made by the Debtor and not by the Trustee:</u>

The following claims shall be paid directly by the Debtor according to the terms of the contract or support or withholding order, and [Local Bankruptcy Form 13-4, eff. 12/17]

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shall receive no payments from the Trustee. (Payment stated shall not bind any party.)

A. DIRECT PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:

-NONE-	S S	upport Obligation Month \$	lly Arrearage Payment
В.	OTHER DIRECT PAYMENTS:		
Creditor -NONE-	Nature of Debt	Amount of Claim \$	Monthly Payment

VI. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation.

The Debtor requests that upon confirmation, each creditor (including successors and assigns) to which the Debtor is surrendering property pursuant to this section be granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) to enforce its security interest against the property including taking possession and sale.

Creditor -NONE-

Property to be Surrendered

VII. Executory Contracts and Leases:

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor under Section V, unless otherwise specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C. § 365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

Contract/Lease
-NONE-

Assumed or Rejected

VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property without the Court's prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court's approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

IX. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

The liquidation value of the estate is \$\,\bigcup_{\text{0.00}}\). To obtain a discharge, the Debtor must pay the liquidation value or the total of allowed priority and nonpriority unsecured claims, whichever is less. Under 11 U.S.C. \\$\\$ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Section IV.D and IV.E shall be paid at the rate of __\% per annum from the petition date (no interest shall be paid if left blank).

X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

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- 1. Debtor shall pay his on-going mortgage payment to BSI financial. Debtor shall dedicate \$100 of his monthly plan payment towards curing the arrears of the BSI Financial mortgage for the initial 12 months of the plan.
- 2. Debtor shall increase his plan payment to \$5,223 a month commencing month 13 of the plan payment period. The increased payment amount of \$3,000 shall be dedicated to the BSI Financial arrears.
- 3. Debtor shall increase his payment to \$6,223 a month commencing month 25 of the plan payment period. The increased payment amount of \$4,000 shall be dedicated to the BSI Financial arrears.
- 4. Debtor shall increase his payment to \$7,223 a month commencing month 37 of the plan payment period. The increased payment amount of \$5,000 shall be dedicated to the BSI Financial arrears.
- 5. Debtor shall pay \$7,000 a month commencing month 49 of the plan payment period through month 60 of the plan payment period in order to sure the pre-petition arrears to BSI Financial in full over a 60 month commitment period.
- 6. Debtor shall apply for a loan modification/refinance during his chapter 13. If the Debtor is able to procure a loan modification or refinance, Debtor will file a motion with the court for approval and continue to pay his modified or refinanced payment through the plan or payoff the chapter 13 plan.

By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

(Signature Page)

/s/ Justin Mishkin WSBA # Justin Mishkin WSBA # 38864

Attorney for Debtor(s)

August 1, 2018

Date

Steven Jay Cunningham

DEBTOR

August 1, 2018

Date

DEBTOR

Date